

criminal sanction imposed to enforce that provision. I don't even think that the abortion portions of the statutes, the abortion, as such, should even be in the criminal code, but because it is so misplaced and since it is going to be handled in the hodgepodge of everything else although it could stand by itself and be considered, since there was no agreement to have a thorough public hearing and discussion of the abortion issue as such, we have to piecemeal and hodgepodge it. So this amendment would strike the penalty section and the penalty section relates back to section 59 that deals with the reporting. I believe that the doctors and these agencies will fill out their papers and somebody may bring up a dispute that exists now with reference to the number of abortions performed at the Medical Center, and if somebody believes that there has been a violation of this provision, the only way it and any other criminal sanction can be brought into play is if a complaint is filed. Either the prosecutor is going to file it of his own motion or somebody is going to call a situation to his attention which violates the law and then he will file a complaint but I personally don't believe that this is ever going to be made an issue in a court, and even if somebody would try to do that, I think it is inappropriate to be in the statute. So my motion is to strike lines 21 and 22 on page 31.

PRESIDENT: Senator DeCamp.

SENATOR DeCAMP: Mr. President, the effect of Senator Chambers motion is to completely eliminate, I say the effect is, the reporting section. Now let's take something we are all familiar with that there is no difficulty in understanding that Senator Chambers was involved with that we can talk about, helmet bills. Remember, the helmet bill and why did they not have to wear those helmets even though we passed a law. We passed a law and told them they had to wear helmets that first time. But you see the reason it didn't work was because there was no penalty. That is right, no penalty in the bill so no enforcement. Okay, the purpose of any penalty is to enforce a particular program or something the state has set up. Now if they want to claim this is unconstitutional, this particular section, then I would refer you to the United States Supreme Court, the Danforth case, and they specifically upheld the state's right to impose reporting and record keeping requirements. Remember we are not having anything to do with the privacy section here. Nothing on that at all. These are statistics. How many abortions were performed? What were the ages of the people they were performed on? What kind of abortion methods were used, saline, whatever, the different kinds? Married or unmarried? From that, as the Supreme Court said, the state can compile information and know where we have problem areas. For example, and I used this before on this floor, I said if we discover that northeast Nebraska has 35% of the abortions being performed in the state and they are being performed on fifteen and fourteen and sixteen year old girls from a rural communities, then we had better start looking and see if we don't have some other problems, a lack of adequate education, a lack of other procedures